

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

BURL NEWTON,

Plaintiff

v.

CIVIL NO. 3:12cv175-JAG

**EQUIFAX INFORMATION SERVICES, LLC.,
EXPERIAN INFORMATION SOLUTIONS, INC.,
and AMERICAN EXPRESS BANK, FSB.,**

Defendants.

**PLAINTIFF'S RESPONSE TO MOTION TO DISMISS
AND FOR LEAVE FOR PLAINTIFF TO AMEND TO COMPLAINT
TO NAME THE PROPER PARTY DEFENDANT
ON BEHALF OF AMERICAN EXPRESS**

COMES NOW the Plaintiff, **BURL NEWTON**, by counsel, and in response to the Defendant's Motion to Dismiss and For Leave for Plaintiff to Amend Complaint to Name the Proper Party Defendant on Behalf of American Express. (Docket No. 18).

Upon the representation of Defendant American Express that the proper party defendant in this matter is American Express, FSB, the Plaintiff is satisfied that "American Express" should be dismissed as a defendant and that "American Express, FSB," should be substituted in an Amended Complaint.

The Plaintiff has filed his Amended Complaint as an exhibit to this response and respectfully requests that the court enter such order as it deems just and proper.

Respectfully submitted,

BURL NEWTON,

/s/
SUSAN M. ROTKIS, VSB #40693
LEONARD A. BENNETT, VSB #37523
CONSUMER LITIGATION ASSOCIATES, P.C.

Attorney for Plaintiff
763 J. Clyde Morris Boulevard, Suite 1-A
Newport News, Virginia 23601
(757) 930-3660 - Telephone
(757) 930-3662 – Facsimile
E-mail: lenbennett@clalegal.com
srotkis@clalegal.com

CERTIFICATE OF SERVICE

I hereby certify that on this 23d day of May, 2012, I will file the foregoing pleading electronically using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

John Willard Montgomery, Jr.
Montgomery & Simpson, LLLP
2116 Dabney Rd
Suite A-1
Richmond, VA 23230
Email: jmontgomery@jwm-law.com

Counsel for Equifax

David Neal Anthony
Troutman Sanders LLP
Troutman Sanders Bldg
1001 Haxall Point
Richmond, VA 23219
Email: david.anthony@troutmansanders.com

Counsel for Experian

Julie Quagliano
Seeger Faughnan Mendicino PC
2620 P St NW
Washington, DC 20007
Email: quagliano@sfmlawfirm.com

*Counsel for American Express and
American Express, FSB*

/s/
SUSAN M. ROTKIS, VSB #40693
CONSUMER LITIGATION ASSOCIATES, P.C.
Attorney for Plaintiff

763 J. Clyde Morris Boulevard, Suite 1-A
Newport News, Virginia 23601
(757) 930-3660 - Telephone
(757) 930-3662 – Facsimile